



General Assembly

Substitute Bill No. 1060

January Session, 2007

* SB01060ED 032007 *

**AN ACT CONCERNING SCHOOL EXPULSIONS AND THE REVIEW OF
PERSONNEL FILES WHEN HIRING FOR POSITIONS IN A SCHOOL
DISTRICT.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Subsection (a) of section 10-233d of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2007*):

4 (a) (1) Any local or regional board of education, at a meeting at
5 which three or more members of such board are present, or the
6 impartial hearing board established pursuant to subsection (b) of this
7 section, may expel, subject to the provisions of this subsection, any
8 pupil whose conduct on school grounds or at a school-sponsored
9 activity is violative of a publicized policy of such board or is seriously
10 disruptive of the educational process or endangers persons or property
11 or whose conduct off school grounds is violative of such policy and is
12 seriously disruptive of the educational process, provided a majority of
13 the board members sitting in the expulsion hearing vote to expel and
14 that at least three affirmative votes for expulsion are cast. In making a
15 determination as to whether conduct is seriously disruptive of the
16 educational process, the board of education or impartial hearing board
17 may consider, but such consideration shall not be limited to: (A)
18 Whether the incident occurred within close proximity of a school; (B)
19 whether other students from the school were involved or whether

20 there was any gang involvement; (C) whether the conduct involved
21 violence, threats of violence or the unlawful use of a weapon, as
22 defined in section 29-38, and whether any injuries occurred; and (D)
23 whether the conduct involved the use of alcohol.

24 (2) Expulsion proceedings pursuant to this section, except as
25 provided in subsection (i) of this section shall be required whenever
26 there is reason to believe that any pupil (A) on school grounds or at a
27 school sponsored activity, was in possession of a firearm, as defined in
28 18 USC 921, as amended from time to time, or deadly weapon,
29 dangerous instrument or martial arts weapon, as defined in section
30 53a-3, (B) off school grounds, did possess such a firearm in violation of
31 section 29-35 or did possess and use such a firearm, instrument or
32 weapon in the commission of a crime under chapter 952, or (C) on or
33 off school grounds, offered for sale or distribution a controlled
34 substance, as defined in subdivision (9) of section 21a-240, whose
35 manufacture, distribution, sale, prescription, dispensing, transporting
36 or possessing with intent to sell or dispense, offering, or administering
37 is subject to criminal penalties under sections 21a-277 and 21a-278.
38 Such a pupil shall be expelled for one calendar year if the local or
39 regional board of education or impartial hearing board finds that the
40 pupil did so possess or so possess and use, as appropriate, such a
41 firearm, instrument or weapon or did so offer for sale or distribution
42 such a controlled substance, provided the board of education or the
43 hearing board may modify the period of expulsion for a pupil on a
44 case by case basis.

45 (3) Unless an emergency exists, no pupil shall be expelled without a
46 formal hearing held pursuant to sections 4-176e to 4-180a, inclusive,
47 and section 4-181a, provided whenever such pupil is a minor, the
48 notice required by section 4-177 and section 4-180 shall also be given to
49 the parents or guardian of the pupil. If an emergency exists, such
50 hearing shall be held as soon after the expulsion as possible. The notice
51 shall include information concerning legal services provided free of
52 charge or at a reduced rate that are available locally and how to access
53 such services.

54 Sec. 2. Section 10-222c of the general statutes is repealed and the
 55 following is substituted in lieu thereof (*Effective July 1, 2007*):

56 (a) Prior to hiring any person, a local or regional board of education
 57 shall make a documented good faith effort to contact previous
 58 employers of the person in order to obtain information and
 59 recommendations which may be relevant to the person's fitness for
 60 employment.

61 (b) Prior to hiring an applicant for a position in a local or regional
 62 school district that requires a certificate, permit or other credential
 63 issued by the State Board of Education under chapter 166, a local or
 64 regional board of education shall review and evaluate the content of
 65 each personnel file of the applicant maintained by any school district
 66 in which the applicant was employed in this or any other state. Each
 67 applicant for such a position shall authorize the release of such
 68 personnel files for such review. Notwithstanding any provision of the
 69 general statutes, a local or regional board of education may disclose
 70 the personnel file of a former employee pursuant to such
 71 authorization. For purposes of this section, "personnel file" means
 72 "personnel file" as defined in subdivision (5) of section 31-128a.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2007</i>	10-233d(a)
Sec. 2	<i>July 1, 2007</i>	10-222c

Statement of Legislative Commissioners:

Language in subsection (b) was rearranged for clarity.

ED *Joint Favorable Subst.*